
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

The Public Water Supplies (Scotland) Regulations 2014

PART 1

GENERAL

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Public Water Supplies (Scotland) Regulations 2014 and come into force on 1st January 2015.

(2) These Regulations extend to Scotland only.

(3) These Regulations do not apply in relation to a private water supply.

(4) These Regulations do not apply to—

(a) water recognised as a natural mineral water under regulation 4(1) of the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007⁽¹⁾;

(b) water which is a medicinal product within the meaning of [Directive 2001/83/EC](#) of the European Parliament and of the Council on the Community Code relating to medicinal products for human use⁽²⁾;

(c) water used exclusively for the purposes of washing a crop after it has been harvested where the quality of the water has no influence, either directly or indirectly, on the health of any person consuming the crop, or food or drink derived from the crop; and

(d) water used during the distillation of spirits which is used—

(i) exclusively in the mashing process;

(ii) exclusively for washing plant; or

(iii) in the mashing process and for washing plant, but for no other purposes,

where the quality of the water has no influence, either directly or indirectly, on the health of any person consuming the spirits, or food or drink derived from the spirits.

Interpretation

2.—(1) In these Regulations—

“the 1980 Act” means the Water (Scotland) Act 1980;

“the 2001 Regulations” means the Water Supply (Water Quality) (Scotland) Regulations 2001⁽³⁾;

(1) [S.S.I. 2007/483](#), relevantly amended by [S.S.I. 2009/273](#).

(2) OJ L 311, 28.11.2001, p. 67, last amended by Directive 2012/26/EU of the European Parliament and of the Council (OJ L 299, 27.10.2012, p. 1).

(3) [S.S.I. 2001/207](#), amended by [S.S.I. 2001/238](#), [S.S.I. 2003/331](#), [S.S.I. 2010/95](#), [S.S.I. 2013/177](#) and [S.I. 2013/1387](#).

“area”, in relation to a local authority, means the local government area (within the meaning of the Local Government etc. (Scotland) Act 1994(4)) for which the authority is constituted;

“by notice” means by notice in writing (or in electronic form);

“consumer” means a person to whom water is supplied for human consumption purposes by Scottish Water (and, if such water is supplied pursuant to an arrangement under section 6(1) (b) of the Water Services etc. (Scotland) Act 2005(5), it includes the occupier of the premises so supplied or, if the premises are unoccupied, the owner of those premises);

“the Directive” means Council Directive 98/83/EC on the quality of water intended for human consumption(6);

“disinfection” means a process of water treatment to remove or render harmless to human health every pathogenic micro-organism and pathogenic parasite that would otherwise be present in the water; and “disinfect” and “disinfected” are to be construed accordingly;

“groundwater” has the same meaning as it has in section 3(4) of the Water Environment and Water Services (Scotland) Act 2003(7);

“health board” means a Health Board constituted by order under section 2(1)(a) of the National Health Service (Scotland) Act 1978(8);

“human consumption purposes” means—

- (a) the purposes of drinking, cooking, food preparation or other domestic purposes (including the maintenance of personal hygiene); or
- (b) the purposes of the manufacture, processing, preservation or marketing of a product or substance intended for human consumption (unless the Drinking Water Quality Regulator for Scotland(9) is satisfied, having regard to the advice of the Food Standards Agency, that the quality of the water supplied by Scottish Water for these purposes cannot affect the wholesomeness of a particular product or substance in its finished form and has confirmed this, along with its reasons, by notice given to the Scottish Ministers, the Food Standards Agency and Scottish Water);

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

“occupier” has the same meaning as it has in section 109(1) of the 1980 Act;

“parameter” means a property, element, organism or substance listed in column (2) of any Table in Schedule 1, 2 or 3 (as read, where appropriate, with the notes to those Tables);

“premises” includes land (as construed in accordance with section 109(1) of the 1980 Act) and also tents, vans, sheds and similar structures;

“prescribed concentration or value”, in relation to a parameter, means the corresponding maximum or minimum concentration, value or state specified (or otherwise applying by virtue of a departure authorised by the Scottish Ministers under regulation 24(1) or 25(5) or granted by the European Commission pursuant to a request under regulation 25(7)) in relation to that parameter in Table A, Table B or, as the case may be, Table C as measured by reference to the unit of measurement so specified, and as read (where relevant) with the notes to those Tables;

“private domestic distribution system” means a domestic distribution system in premises where water is not supplied to the public;

(4) 1994 c.39.

(5) 2005 asp 3.

(6) OJ L 330, 5.12.1998, p. 32, amended by Corrigendum (OJ L 111, 20.4.2001, p. 31), Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1) and Regulation (EC) No 596/2009 (OJ L 188, 18.7.2009, p. 14).

(7) 2003 asp 3, to which there are amendments not relevant to these Regulations.

(8) 1978 c.29, to which there are amendments not relevant to these Regulations.

(9) This is the person who is from time to time appointed under section 7 of the Water Industry (Scotland) Act 2002 (asp 3).

“private water supply” has the same meaning as it has in regulation 2(1) of the Private Water Supplies (Scotland) Regulations 2006⁽¹⁰⁾;

“Scottish Water” means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002⁽¹¹⁾;

“supply point” means a blending point, service reservoir, treatment works or other point authorised in accordance with regulation 8, where “blending point” means a point at which waters originating from two or more sources and treated for the purposes of their supply for human consumption purposes are combined under conditions that are designed to secure that, after such combination, the requirements of regulation 4(2) are satisfied;

“treatment works” means water treatment works vested in Scottish Water or used by it (or a person acting on its behalf or under its authority) in connection with the exercise of Scottish Water’s core functions (construed by reference to section 70(2) of the Water Industry (Scotland) Act 2002⁽¹²⁾) as respects the supply of water for human consumption purposes;

“water supply zone”, in relation to a year, means an area designated for that year by Scottish Water in accordance with regulation 3; and

“year” means calendar year.

(2) Subject to paragraph (3), references in these Regulations to a “service reservoir” are references to any structure, other than a structure at a treatment works, in which water that has been treated with a view to satisfying the requirements of regulation 4(2) is contained and stored for the purpose of meeting a variable demand for the supply of water.

(3) Where references in these Regulations to a “service reservoir” would, but for this paragraph, include references to a structure comprising more than one compartment—

- (a) each compartment which has its own water inlet and water outlet (and is not connected hydraulically to any other compartment) is to be treated as a single service reservoir;
- (b) the compartments which are connected hydraulically are to be treated as a single service reservoir; and
- (c) unless all of the compartments are connected hydraulically, the structure as a whole is not to be treated as a service reservoir.

(4) A reference in these Regulations to—

- (a) Table A, Table B or Table C refers to the corresponding table in Schedule 1;
- (b) Table 1, Table 2, Table 3 or Table 4 refers to the corresponding table in Schedule 2; and
- (c) Table M1 or Table M2 refers to the corresponding table in Schedule 3.

(5) Any other expression (such as “domestic purposes”) used both in these Regulations and in the Directive has the same meaning in these Regulations as it has in the Directive.

⁽¹⁰⁾ S.S.I. 2006/209, to which there are amendments not relevant to these Regulations.

⁽¹¹⁾ 2002 asp 3.

⁽¹²⁾ Section 70(2) was substituted by the Water Resources (Scotland) Act 2013 (asp 5), section 26.